

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 21, 2004

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 21, 2004, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Morris K. Dunlap, Chair; Harold Warner Jr. Vice-Chair; James Barfield (in @ 2:30); Darrell Downing; Bill Johnson; Bud Hentzen; Bob Hernandez; Elizabeth Bishop; M.S. Mitchell; Denise Sherman. Gary K. Gibbs; Ronald Marnell; John W. McKay Jr. and Frank Garofalo were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Supervisor; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Associate Planner; Jamsheed Mehta, Transportation Supervisor; David Barber, Land Use Supervisor; and Rose Simmering, Recording Secretary.

❖ PLANNING COMMISSION ITEMS

1. Draft Visioneering Wichita Plan is attached

SUZIE AHLSTRAND, CHAMBER OF COMMERCE, 350 W. DOUGLAS, WICHITA, KS 67202-2970 Presentation of Draft Visioneering for the Wichita Metropolitan Statistical Area (MSA) including four counties and their cities Sedgwick, Butler, Harvey, Sumner, dated October 12, 2004.

WARNER On page 3, the Job Growth Section, when these people retire will these jobs gone? They are not going to bring people in to fill these positions?

AHLSTRAND Where are we going to find the people? Every community is going to have a shortage of jobs. The communities that have a great quality of life are going to be able to recruit people to come in.

HERNANDEZ I have a question on page 7, the Family Stability Section. These marriage statistics makes us look bad. But 100 marriages that occur in a given year they compare that to the divorces that are filed or annulments once they occur in a given year, right?

AHLSTRAND Yes.

HERNANDEZ I think a better comparison would be difficult to do, but you are comparing all marriages that have occurred over the past 50 years, compared to the divorces that occur in one given year.

AHLSTRAND I can't say the body of research that came from.

DUNLAP I would like to talk for a minute about what an individual company or organization might do to buy into this.

AHLSTRAND I would anticipate and hope that an opportunity after we do our final plan will be available in December. Any of those entities would step forward and say I want to be a partner, and I want to help carry out this strategy. I might want to do mentoring, for example, and you would be in alliance with other groups that would be mentoring in schools so there will be the opportunity for that. Each strategy will have to have action steps, benchmarks, and measurements underneath it, and we will measure them annually every year.

DUNLAP If business decided they wanted to improve the pay of jobs that they have, or bring new jobs in; we need to know that so that we can measure that. So if somebody said they were going to open a new bio-tech branch to my company, we need to know that they are going to do that. So they have to get involved and somehow it has to be reported. I am not sure I am exactly clear on how we are going to gain that information. My point is that a small company does not have to take the whole thing and say "I can't do this;" they can pick the piece they want to do and go after it.

AHLSTRAND That is correct.

WARNER Is there a group, or who is going to be responsible for implementing these strategies and plans?

AHLSTRAND It will be you as a Vision Partner who will come on board to do the implementation.

WARNER Are the local governments involved as far as the economic development and incentives and whatever they can do to bring these jobs in?

AHLSTRAND Yes, we have already had that conversation with the City of Wichita and they want to be a Vision Partner through their internal staff.

DUNLAP And they provided funding?

AHLSTRAND Yes, they have provided funding for this Vision document.

WARNER When you go to the social issues such as the divorce rate and the out of wedlock births, explain to me how this is going to be implemented. It seems like a problem the City can't do, is it going to the churches? I think it is great but I am not sure how you are going to do anything.

AHLSTRAND I have already had the faith community step forward and say "We recognize this as a problem and we want to redirect some of resources so that we can start tackling this." Catholic Charities and Newman University, they addressed us at a seminar about two weeks ago and they are ready to sign on and be a Vision Partner. I am not going to be able to do all this, it will take thousands of individuals thinking differently and finding their resources differently. We have a choice. We can put this on the shelf and I have run into a lot of skepticism of people saying we have done this.

BISHOP The issue having to do with the percentages of divorces, versus marriages within the four county area. The question that I have is how those counts were captured. We might actually attract single people who move to the City, especially Wichita or maybe other cities within the four counties, for support to be closer to the kids' schools, because they are working full time and those kinds of issues. I think we might be a magnet for folks in a single-parent type situation rather than correcting them right here.

HERNANDEZ We cannot have an educated workforce when kids drop out of school. If kids don't get the support in the homes, because single-parent homes and bad living conditions, you will never produce a good student, and I think we need to address that. This is a very complex issue. For example, North High School, they have a 60% dropout rate of Hispanics and that is crazy. You, the pretty white lady can't go in and tell the Mexican dad to make sure your kid stays in school, don't take him to Mexico, don't let him go to work at sixteen. We have to take strong, effective measures.

HENTZEN On page 6, under the Education section, I think it was the first indication that you made about Table 2, at 60.55%, and then the 50.15%. Will you tell me what those two numbers mean.

AHLSTRAND Well, the 60.55% means they are probably on the free and reduced lunch. They are below a certain economic level, and the 50% means that out of the students 48,000, there are 24,000 are minority.

HENTZEN First of all, if you are using the federal guidelines on who need free lunches, then you are not able to tell the truth. I am not convinced that 60% of the students of the Wichita district qualify for a free lunch. Government is not going to create good paying jobs in this City or the Metropolitan area, if we are not attractive to investors, and not attractive to people who want to risk their money here, we will just keep getting deeper in the hole. We have attractive educational systems with the whole area.

AHLSTRAND What we are talking here about is growing the pie. We want to make a bigger pie. When I saw that per capita income drop for 21 years, I understood those jobs when Pizza Hut went away, and Rent-A-Center; those are the jobs that we needed to keep here. Those were the higher paying non-manufacturing jobs that we need. This is going to be hard work.

DUNLAP I was impressed with the quality of people that I met during this process. The number and the quality of people that stayed during this whole process was good. I spent the last part of the process in the private sector leadership group, and I think what we are going to see is a change in attitude from a quite of few people, in that there were people that never volunteer and they were there.

SCHLEGEL What happens next?

AHLSTRAND We are in the input stage now, and need 5,000 people. There are two more community meetings coming up. We will take all the input, and we will put them in a data base, and then we will have an editing process, and then we have a steering committee that are guiding us, and they will have a meeting on December 6th to approve the document, and then we will issue the document. We will be inserting this plan in the Wichita Eagle and we will be doing a Town Hall meeting, etc. Then we will find out who will want to be a Vision Partner. This is a 20-year plan, and this will take a longtime to complete.

BISHOP The only qualm that I have right now has to do with the key benchmarks. But I would have liked to have seen a key benchmark that addresses some quality of life issues like infrastructure, parks, open space, that type of recreation.

BARFIELD When I look at the overall plan, I would make this observation, I think for this entire plan to have any chance of success you would need to focus on that youth group which you discussed earlier. The older people are looking at the past and find it difficult to let go.

AHLSTRAND The Chamber has a program that trains 20 leaders a year; we need to do 1,000 or more. The young people don't know how to access the system, and they don't have the networks.

2. **DR2003-16 – Amendments to the Wichita-Sedgwick County Comprehensive Plan Update, presentation by Dave Barber.**

Background: In February 2003, MAPD staff began work on updating the Wichita-Sedgwick County Comprehensive Plan. This plan has jurisdiction over the City of Wichita and unincorporated Sedgwick County. Over the last several months, staff has updated the revised 2010 and 2030 population / employment projections for the Wichita urbanized area, using recent Census 2000 data as the new baseline for these projections. Due in part to ongoing staffing shortages in the Transportation Division, the required updates to the Transportation Plan will be contracted out to private transportation planning consultants.

No significant plan policy changes are being proposed as part of this update to the Comprehensive Plan. Staff feels that the metropolitan-wide “visioneering” initiative currently underway will provide important community direction regarding any major future changes that may be necessary to the current goals and policies of the Comprehensive Plan.

Update Status:

1. *2030 Wichita Functional Land Use Guide Map* and the *2030 Wichita and Small City Growth Areas Map*:

The *2030 Wichita Functional Land Use Guide Map* has been reformatted to reflect functional land use classifications rather than site-specific, facility-based uses. The map also reflects new development activity occurring since January 2002 within the City of Wichita. In addition, a new *Wichita Existing Land Use Map* will be added to the Plan in order to allow comparisons of existing land use patterns with the more generalized functional land use classification map.

Based upon the revised metropolitan-wide population and employment projections completed earlier this year (presented to the MAPC on March 4, 2004), proposed updates and adjustments to the *2030 Wichita and Small City Growth Areas Map* have now been made that reflect:

1. Municipal annexations that have occurred since 2002.
2. Necessary adjustments to the small city 2030 growth / service areas; and,
3. Necessary adjustments to Wichita's 2030 growth / urban service areas.

In order to update the *2030 Wichita and Small City Growth Areas Map*, staff met earlier this year with key officials from each city in Sedgwick County. Information was obtained on comprehensive plan, future municipal service extension plans and expectations for future population growth. This information revealed areas of overlapping growth aspirations amongst several cities. A series of planning summits were sponsored earlier this year by Sedgwick County to help discuss and resolve some of these competing growth issues.

Based upon feedback from all cities in Sedgwick County, a revised *2030 Wichita and Small City Growth Areas Map* was prepared by MAPD staff that eliminated areas of conflict based upon an assessment of which municipalities could most readily, economically and efficiently provide municipal services to the conflict areas. This revised map was presented to a meeting of the SCAC (Sedgwick County Association of Cities) on September 11th. In response to this presentation, additional growth area revision requests were received by MAPD from a few cities.

In reviewing the revised *2030 Wichita and Small City Growth Areas Map*, the Advance Plans Committee raised concerns that a few of the cities may not realistically experience the amount of growth that they anticipate, nor have the financial bonding capability or physical infrastructure capacity to provide municipal water and sanitary services to the new 2030 growth areas they have identified. The Advance Plans Committee directed staff to contact these few cities and request a copy of their most current water and sanitary sewer plans. An appropriate 2030 growth area will then be finalized by the MAPC for these cities, based in part, upon the documented capacity and capability to deliver sanitary sewer and water services.

It is important to note that the 2030 growth areas outlined in the Wichita-Sedgwick County Comprehensive Plan are not prescriptive or binding in nature. They serve only as a reasonable indication as to where future municipal services will likely be extended / available by the year 2030.

2. Comprehensive Plan Policies:

Although no significant plan policy changes are being proposed as part of this update to the Comprehensive Plan, staff will be proposing a couple of new plan policies or objectives to support recent community initiatives related to a regional collaboration on long term municipal water supply (REAP), stormwater and floodplain management, and economic development (GWEDC).

3. Opportunities for Public Involvement

Within the next month and a half, it is anticipated that proposed policy statements and a revised draft *2030 Wichita Functional Land Use Guide Map* and *2030 Wichita and Small City Growth Areas Map* will be approved by the Advance Plans Committee and the MAPC for distribution for public review and comment. A series of public information meetings and city DAB presentations will then be held (public involvement program yet to be finalized) in order to receive feedback prior to scheduling a public hearing of the MAPC.

DAVID BARBER Planning staff presented report.

DUNLAP I am pleased to see that you split and squared off some sections on this current map.

❖ **SUBDIVISION ITEMS**

Items 3-1 to 3-5 may be taken in one motion unless there are questions or comments.

3. Consideration of Subdivision Committee recommendations from the meeting of October 14, 2004.

3-1. **SUB2004-125 – One-Step Final Plat – PRAIRIE POND PLAZA ADDITION, located on the northeast corner of Kellogg and 143rd Street East.**

NOTE: The site has been approved for a zone change (ZON 2003-74) from SF-5, Single-Family Residential to LC, Limited Commercial. The Prairie Pond Plaza Community Unit Plan (CUP 2003-65, DP-273) was also approved for this site.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A guarantee is required.**
- D. In accordance with the CUP, the following transportation improvements are required:

The applicant shall agree to share the cost of the following improvements: dual southbound left turn lanes from 143rd to Kellogg, dual left turn lanes from Kellogg to 143rd, exclusive southbound right turn lane from 143rd to Kellogg, exclusive westbound right turn lane from Kellogg to 143rd and traffic signal modification at 143rd Street East and Kellogg.

The Applicant will meet with Traffic Engineering regarding a development plan for the future traffic improvements.
- E. The applicant shall provide a temporary southbound left turn lane along 143rd St. East.
- F. The plat's text needs to address ownership and maintenance of Reserve A.
- G. The triangular parcel at the southwest corner of Lot 2, Block B should be depicted as right-of-way.
- H. **Traffic Engineering** requests that the language included in the CUP General Provisions paragraph 9.B. and 9.C. referencing the crossover median and opening along U.S. 54 Highway shall be included in the plat's text.
- I. Access controls have been platted in accordance with the CUP approval. The plat proposes a joint access opening along 143rd St. East.
- J. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The perimeters of the proposed lots shall match the perimeters of the CUP parcel boundaries. A CUP adjustment will need to be approved.
- N. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- O. According to the platting binder, a pipeline easement has been granted over this plat. The applicant shall either obtain a release of the easement or provide proof that the easement has been confined. If confined, any portion of this easement if on this plat shall be shown and the pipeline's name and recording information shown.
- P. The MAPC signature block needs to reference "Morris K. Dunlap, Chair".
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that

the type of delivery, and the tentative mailbox locations can be determined.

- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

3-2. SUB2004-113 – Revised One-Step Final Plat – NORTHWEST YMCA ADDITION, located on the north side of 21st Street North and on the west side of 135th Street West.

NOTE: This is an unplatted site located within the County within three miles of the City of Wichita. It is in an area designated as "2010 Urban Service Area" by the Wichita-Sedgwick County Comprehensive Plan. The west portion of the site has been approved for a zone change (ZON 2004-30) from SF-20, Single-Family Residential to LC, Limited Commercial subject to platting. The Northwest YMCA Addition Community Unit Plan (CUP 2004-17, DP-276) was also approved for this site. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. Petitions for both sewer main and lateral are needed. Sizing and location are subject to further discussion with Water & Sewer staff, will need to be in conformance with the sewer master plan and may require additional easement.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering needs to comment on the status of the applicant's drainage plan. **A grading plan has been provided. A final drainage plan needs to be provided prior to City Council consideration to reflect the grading plan. Applicant is advised to obtain a Letter of Map Revision from FEMA.**
- D. **County Engineering requests a petition for left and right turn lanes along 21st St. North.**
- E. The plat denotes two openings along 21st St. North. A note on the plat references access controls not shown as being in accordance with the County access management regulations. **Access controls need to be denoted in accordance with City of Wichita access management regulations. A driveway with full turning movements shall be at least 400 feet from the intersection. A rights-in/out driveway shall be at least 200 feet from the intersection.**

The access controls have been revised as requested.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. The corner clip easement should be platted as a right-of-way dedication.
- H. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.

- J. The Applicant is reminded that the CUP needs to be revised in accordance with the plat.
- K. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council certification needs to be included on the final plat.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. SBC has requested additional easements.
- V. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

3-3. DED2004-23 and DED2004-24 - Dedication of Utility Easements, for property located on the south side of Harry and west of Hoover Road.

A) DED 2004-23: Dedication of a Utility Easement from Bob Ethridge and **B) DED 2004-24:** Dedication of a Utility Easement from Rodney E. Bowers, for property located on the south side of Harry and west of Hoover Road.

LEGAL DESCRIPTIONS:

- a) A 2-foot utility easement for the north 145.3 feet of the east 2 feet of the west 10 feet of Lot 13, Block 1, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas.
- b) A 2-foot utility easement for the east 10 feet of Lot 1, Block 1, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATIONS: These dedications are associated with lot split cases (SUB 2004-110 and SUB 2004-111) for construction and maintenance of public utilities.

AGENT/SURVEYOR: Jim E. Bishop, L.S., Sandalwood Surveying, P.O. Box 75053, Wichita, KS 67275-5053

STAFF RECOMMENDATION: Accept the Dedications.

MITCHELL I want to oppose the dedication because I missed that Item at the Subdivision Committee meeting.

MOTION: To approve subject to staff recommendation.

BISHOP moved, **DOWNING** seconded the motion, and it carried (8-1).

3-4. **DED2004-25 and DED2004-26 - Dedication of Utility Easements, for property located west of Seneca and north of 53rd Street North.**

A) DED 2004-25: Dedication of a Utility Easement from Delbert D. Goertz, Goertz Homes, Inc.; and **B) DED 2004-26:** Dedication of a Utility Easement from Marchael D. and Bonnie M. Ritchie, for _____ property located west of Seneca and north of 53rd Street North.

LEGAL DESCRIPTIONS:

- a) A 10-foot utility easement for the east 10 feet and the north 5 feet of the following described tract: Part of Lot 132, Van View Addition, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the northwest corner of said Lot 132; thence southerly on the west line of Lot 132, on an assumed bearing of S0°02'07" W, a distance 165.03 feet to the point of beginning; thence S 88°51'11" E, a distance of 263.97 feet; thence S0°02'07" W, a distance of 165.07 feet; thence N 88°50'44" W, a distance 263.97 feet to the southwest corner of Lot 132; thence northerly on the west line of Lot 132, N0°02'07" E, a distance of 165.04 feet to the point of beginning (said tract containing 1.0 acres +/-).
- b) A 10-foot utility easement for the east 10 feet and the south 5 feet of the of the east 128 feet of the following described tract: Part of Lot 132, Van View Addition, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at the northwest corner of said Lot 132; thence easterly on the north line of Lot 132, on an assumed bearing of N88°51'39" E, a distance of 263.97 feet; thence S 0°02'07" W, a distance of 165.07 feet; thence N88°51'11" W, a distance of 263.97 feet to a point on the west line of Lot 132; thence northerly on the west line, N0°02'07" E, a distance of 165.03 feet to the point of beginning (said tract containing 1.0 acres +/-).

PURPOSE OF DEDICATIONS: These dedications are associated with a lot split case (SUB 2004-104) for construction and maintenance of public utilities.

AGENT/SURVEYOR: Griffiths and Associates, Inc., 6101 Bella Road, Wichita, KS 67204

STAFF RECOMMENDATION: Accept the Dedications.

MITCHELL I want to oppose the dedication.

MOTION: To approve subject to staff recommendation.

BISHOP moved, **DOWNING** seconded the motion, and it carried (8-1); Mitchell opposed.

3-5. **DED2004-27 and DED2004-28 - Dedications of Access Control, for property located west of Seneca and north of 53rd Street North.**

A) DED 2004-27: Dedication of Street Right-of-Way from Marchael D. and Bonnie M. Ritchie and **B) DED 2004-28:** Dedication of Street Right-of-Way from Delbert D. Goertz, Goertz Homes, Inc., for _____ property located west of Seneca and north of 53rd Street North.

LEGAL DESCRIPTIONS:

- a) A 30-foot dedication of street-right-of-way for the west 30 feet of the following described tract:
- Part of Lot 132, Van View Addition, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the northwest corner of said Lot 132; thence easterly on the north line of Lot 132, on an assumed bearing of N88°51'39" E, a distance 263.97 feet; thence S 0°02'07" W, a distance of 165.07 feet; thence N0°88'51'11" W, a distance of 263.97 feet to a point on the west line of Lot 132; thence northerly on said west line, N 0°02'07" E, a distance 165.03 feet to the point of beginning.
- b) A 30-foot dedication of street-right-of-way for the west 30 feet of the following described tract:
- Part of Lot 132, Van View Addition, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the northwest corner of said Lot 132; thence southerly on the west line of Lot 132, on an assumed bearing of S0°02'07" W, a distance 165.03 feet to the point of beginning; thence S 88°51'11" E, a distance of 263.97 feet; thence S0°02'07" W, a distance of 165.07 feet; thence N 88°50'44" W, a distance 263.97 feet to the southwest corner of Lot 132; thence northerly on the west line of Lot 132, N0°02'07" E, a distance of 165.04 feet to the point of beginning.

PURPOSE OF DEDICATIONS: These dedications are associated with a lot split case (SUB 2004-104) for additional right-of-way along Delaware.

AGENT/SURVEYOR: Griffiths and Associates, Inc., 6101 Bella Road, Wichita, KS 67204

STAFF RECOMMENDATION: Accept the Dedications.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

❖ **PUBLIC HEARING — VACATION ITEMS**

4-1. VAC2004-47- Request to Vacate a Portion of a Platted Easement

OWNER/APPLICANT: Terry & Kathy Burnett

AGENT: Mark Chappelle

LEGAL DESCRIPTION: Vacate a 4.5-foot portion of the platted 20-foot drainage easement as described on the attached legal and located on Lot 43, Block D, Auburn Hills 5th Addition, as recorded Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of 135th Street West and north of Kellogg Avenue, east of the Fawnwood Court – Fawnwood Street intersection, 1328 Fawnwood Street

REASON FOR REQUEST: New house built into easement

CURRENT ZONING: Subject property and all adjacent properties are zoned "SF-5" Single-family Residential.

The applicant request vacation of a 4.5-foot portion of the platted 20-foot drainage easement that that lies on Lot 43, Block D, Auburn Hills 5th Addition. 10-feet of the 20-foot platted drainage easement lies on Lot 43 and 10-feet of it lies on Lot 44, all in Block D, Auburn Hills 5th Addition. A house was built (2003) into the easement. There is a storm water drain line in the easement. Storm Water has requested that the line be moved, an additional 4.5-feet of easement be dedicated on Lot 44, Block D, Auburn Hills 5th Addition and the portion of the easement where the encroachment occurs, on Lot 43, be vacated. There are no water or sewer in the easement. The property owner to the north where the proposed substitute easement is to be located has signed the dedication of the substitute easement. The Auburn Hills 5th Addition was recorded with the Register of Deeds June 8, 1998.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted easement as described with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time September 30, 2004 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted easement and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the platted easement described in the petition should be approved with conditions:

- (1) Vacate only that portion of the easement as approved by Storm Water.
- (2) Any relocation or reconstruction of public utilities, including the relocation of the storm water drain line, made necessary by this vacation shall be the responsibility of the applicant.
- (3) Provided dedication by separate instrument additional easement, as approved by Storm Water.
- (4) All improvements shall be according to City Standards.
- (5) All conditions to be completed within 6 months of approval by the MAPC or the vacation application request will be considered null and void.
- (6) The relocation of the storm water drainage line is a private project. Prior to this case proceeding to the Council, the private project must be completed as approved by the Public Works Department.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the easement as approved by Storm Water.
- (2) Any relocation or reconstruction of public utilities, including the relocation of the storm water drain line, made necessary by this vacation shall be the responsibility of the applicant.
- (3) Provided dedication by separate instrument additional easement, as approved by Storm Water.
- (4) All improvements shall be according to City Standards.
- (5) All conditions to be completed within 6 months of approval by the MAPC or the vacation application request will be considered null and void.
- (6) The relocation of the storm water drainage line is a private project. Prior to this case proceeding to the Council, the private project must be completed as approved by the Public Works Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

4-2. **VAC2004-48- Request to Vacate Right-of-Way, Access Controls and Setbacks, located on the north and south sides of 43rd Street North and west of Webb Road.**

APPLICANTS/OWNERS: Sand Plum Investments

AGENT: AM Consultants c/o Tim Austin

LEGAL DESCRIPTION: That portion of 43rd Circle North as described in the attached legal, generally that portion of 43rd Circle North that abuts Lots 1 & 2, Block 1, and Lots 1 – 6, & 18, Block 2, all in the Sand Plum Addition, as recorded Wichita, Sedgwick County, Kansas

The access control as described in the attached legal, generally the portions of access control at the Webb Road and 43rd Circle North intersection as platted in the Sand Plum Addition, as recorded Wichita, Sedgwick County, Kansas

The platted 20-foot setback on Lots 1-6, Block 2, Sand Plum Addition, as recorded Wichita, Sedgwick County, Kansas

LOCATION: Generally southwest of the Webb Road and 45th Street North intersection, on the north and south sides of the 43rd Circle North – Webb Road intersection

REASON FOR REQUEST: Zone change on a portion of the property changes ROW standards

CURRENT ZONING: Site is zoned "LI" Limited Industrial and "SF-5" Single-family Residential. Properties north, west and south of the site are zoned "SF-5". Properties east of the site, across Webb Road, are zoned "LI" and "RR" Rural Residential.

The applicants are requesting consideration to vacate a portion of the platted 43rd Circle North ROW, platted access control and the platted 20-foot setback as described in the attached legal. The vacation request is associated with a zone change request (ZON2004-51, to be considered by the MAPC at their October 21, 2004 meeting) on Lots 1 & 2, Block 1, the Sand Plum Addition. The zone change request will change the two lots' current "LI" zoning to "SF-5", which will match the rest of the Sand Plum Addition's "SF-5" zoning. That portion of the platted ROW along the two lots currently zoned "LI" is 70-feet (per the Subdivision standards for industrial street ROW) in contrast the rest of the plat's 58-foot street ROW (per the Subdivision standards for a local residential street ROW); the vacation will reduce the 70-foot ROW to 58-feet for a local residential street for the length of 43rd Circle North. The vacation of access control along the 43rd Circle North - Webb Road intersection will allow 43rd Circle North to line up with 43rd Street North, which is east of the site across Webb Road. Vacating the platted setback will allow it to move with the vacated ROW. A point of consideration, not raised in the applicant's request, is the effect of the realigned ROW on the platted setbacks on Lots 1 & 2, Block 1, the Sand Plum Addition; these need to be vacated where they encroach into the realigned ROW and rededicated along the realigned ROW. There are no water or sewer in the areas proposed for vacation. There is also a lot split case associated with the Subdivision that will divide Lots 1 & 2, Block 1, the Sand Plum Addition into 5 lots. The Sand Plum Addition was recorded with the Register of Deeds May 26, 2004.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate portion of the platted 43rd Circle North ROW, platted access control and the platted 20-foot setback as described in the attached legal, as well as a portion of the platted 20-foot setback on Lots 1 & 2, Block 1, the Sand Plum Addition with conditions.

- (1) Vacate that portion of the 43rd Circle North ROW, as described in the legal description. Provide dedication by separate instrument for the realigned ROW; all per approval by the Traffic Engineer.

- (2) Vacate that portion of access control along the 43rd Circle North – Webb Road intersection, as described in the legal description. Provide dedication by separate instrument for the realigned access control; all per approval by the Traffic Engineer.
- (3) Vacate that portion of the platted 20-foot setback on Lots 1 – 6, Block 2 and Lots 1 & 2, Block 1, all in the Sand Plum Addition and realign the 20-foot setback to run parallel with the realigned of 43rd Circle North. Provide a covenant reestablishing the 20-foot setbacks to Staff to send with the case packet to the WCC.
- (4) Per the recommendation of the franchised utilities, retain any portion of the vacated 43rd Circle North ROW as utility easements, where franchised utilities are located.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.
- (8) Final action by the WCC on the vacation request is contingent on all conditions being completed and the zoning case being approved prior to the case going to the WCC for final action.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Vacate that portion of the 43rd Circle North ROW, as described in the legal description. Provide dedication by separate instrument for the realigned ROW; all per approval by the Traffic Engineer.
- (2) Vacate that portion of access control along the 43rd Circle North – Webb Road intersection, as described in the legal description. Provide dedication by separate instrument for the realigned access control; all per approval by the Traffic Engineer.
- (3) Vacate that portion of the platted 20-foot setback on Lots 1 – 6, Block 2 and Lots 1 & 2, Block 1, all in the Sand Plum Addition and realign the 20-foot setback to run parallel with the realigned of 43rd Circle North. Provide a covenant reestablishing the 20-foot setbacks to Staff to send with the case packet to the WCC.
- (4) Per the recommendation of the franchised utilities, retain any portion of the vacated 43rd Circle North ROW as utility easements, where franchised utilities are located.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.
- (8) Final action by the WCC on the vacation request is contingent on all conditions being completed and the zoning case being approved prior to the case going to the WCC for final action.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

4-3. VAC2004-49 – Request to Vacate a Portion of a Drainage Easement, located north of 61st Street North approximately 1/4 mile east of 279th Street West.

APPLICANTS/AGENT:

David & Kathleen Reichenberger (owners)
Jim & Darcy Dempsey (contract purchasers)
Terra Tech Land Surveying Inc., c/o Michele Webster

LEGAL DESCRIPTION:

A portion of a platted floodway as described on the attached legal description, located on Lot 4, Block 1, Bluestem Acres Second Addition as recorded, Wichita, Sedgwick County, Kansas.

LOCATION:

Generally located north of 61st Street North and east of 279th Street West, southeast of the Lazy Day Lane – Busy Bee Lane intersection, an unincorporated part of Sedgwick County.

REASON FOR REQUEST:

Create a larger buildable area

CURRENT ZONING:

Subject property and all adjacent/abutting properties are zoned “RR” Rural Residential.

The applicant is requesting consideration for the vacation of a portion of platted floodway reserve that runs north to south through the center of Lot 4, Block 1, Bluestem Acres 2nd Addition. The floodway reserve located on Lot 4 is part of a larger floodway reserve that runs through the Bluestem Acres 2nd Addition; Lot 14, Block 2, north of the site and Lots 2 & 3, Block 1 and Lots 2, 3, 4, 5 & 6, Block 2, all south of Lot 4. The larger reserve area within the Subdivision in turn appears to be connected to drainage on unplatted agricultural land south and east of it. There are no sewer or water lines in the floodway reserve. The applicant wishes to create a larger buildable area within Lot 4. The Bluestem Acres 2nd Addition was recorded with the Register of Deeds October 10, 2002.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the floodway reserve as described in the legal description with the following conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding one time September 30, 2004, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described floodway reserve and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the floodway reserve described in the petition should be approved with conditions:
1. Vacate only that portion of the platted floodway as approved by the Sedgwick County Public Works Engineer. Provide Staff, if needed, with plans for review and approval by County Public Works. All to be provided prior to the vacation case proceeding to the Sedgwick County Board of County Commissioners.
 2. Provide franchised utilities with any required easements made necessary by the proposed vacation.
 3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 4. All improvements shall be according to City Standards.
 5. All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the platted floodway as approved by the Sedgwick County Public Works Engineer. Provide Staff, if needed, with plans for review and approval by County Public Works. All to be provided prior to the vacation case proceeding to the Sedgwick County Board of County Commissioners.
- (2) Provide franchised utilities with any required easements made necessary by the proposed vacation.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to County Standards.
- (5) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

❖ **PUBLIC HEARING — ZONING ITEMS**

5. **Case No.: ZON2004-51** – Len Marotte; Sand Plum Investments, Tim Austin; AM Consulting (agent) Request Zone change from "LI" Limited Industrial to "SF-5" Single-family Residential

Lots 1 and 2, Block 1, Sand Plum Addition, Wichita, Sedgwick County, Kansas. Generally located On the northwest corner of Webb Road and 43rd Street North.

BACKGROUND: The applicant requests SF-5 zoning on a 1.67-acre site. The site is currently zoned LI, and platted into two lots. The applicant intends to develop five single-family residential lots on the site. The application area is west of North Webb Road, and north of East 43rd Street North. North of the application area are SF-5 zoned large lots; the lot immediately north of the application area remains under agricultural production. South of the application area are platted SF-5 lots, with several homes built on East 42nd Street North. East of the site, across Webb Road, is the LI zoned Jabara Airport, and RR zoned agricultural land. West of the application area are platted SF-5 zoned lots.

CASE HISTORY: the application area was rezoned from residential to industrial zoning in 1967. The site was Platted as lots 1 and 2, block 1, of the Sand Plum Addition in 2004. The application area is currently seeking a vacation of: right of way on 43rd Street North (which was to industrial, not residential standards), setbacks, and access control (case VAC2004-58). In addition, the 2-lot property is currently seeking a lot split to 5 lots (case SUB2004-103).

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-Family Residential	Agriculture, Single-family residential
SOUTH:	"SF-5"	Single-Family Residential	Single-family residential
EAST:	"LI"	Limited Industrial	Airport
		"RR" Rural Residential	Agriculture
WEST:	"SF-5"	Single-Family Residential	Single-family residential

PUBLIC SERVICES: Current traffic counts on this segment of Webb are 3,815 vehicles per day, according to a 2004 count. Webb is a 4-lane, section line arterial street at this location with an existing half width right of way (ROW) of 40 feet. The 2030 Transportation Plan indicates that this section of Seneca will remain a 4-lane arterial. 43rd Street North at the application area is currently platted with 70 feet of ROW. The vacation case referred to in this report intends to reduce 43rd to the residential urban standard of 58 feet.

Water is currently available to the site from Webb Road. The applicant is seeking sewer easements and extension from approximately 1,200 feet south of the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide", as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this parcel as appropriate for "industrial", reflecting the current zoning. The Land Use Guide does identify all property surrounding the site to the north, south, and west as "low density residential".

RECOMMENDATION: The site has remained undeveloped under the current LI zoning, and is surrounded by single-family zoning and development. This proposed down zoning will help to ensure that residential neighbors will not experience negative effects associated with industrial development.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The proposed residential zoning and land use is in character with the surrounding residential zoning and land uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with limited industrial uses as currently zoned. However, the site has remained largely undeveloped as zoned for well over 30 years.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Down zoning of this site will have no negative effects on the single-family residences surrounding the application area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "industrial" development, reflecting the current zoning. The Land Use Guide identifies all surrounding land to the north, south, and west as appropriate for "low density residential" development.
5. Impact of the proposed development on community facilities: The proposed residential development should have no impact on Webb Road. The applicant will continue to seek necessary sewer extension and easements for development.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

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6. **Case No.: ZON2004-52** – Via Christi Riverside Medical Center Inc., LLC c/o Terri Alexander (owner/applicant); Baughman Company PA c/o Terry Smythe (agent) Request Zone change from "TF-3" Two-family Residential to "GO" General Office on property described as;

The north 58.9 feet of Lot 39 and the west half of the north half of Lot 40 and the south half of Lot 40, Sim's Park Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located Southeast corner of Elm Street and St. Paul Avenue.

BACKGROUND: The applicant requests a zone change for the subject property from "TF-3" Two Family to "GO" General Office. The subject property is a 0.9 acre platted tract that is located at the southeast corner of St. Paul and Elm. The subject property is currently developed with two residential structures. The applicant has not indicated the proposed future use of the subject property, but has requested that the property be rezoned so that it is in the same zoning district as the applicant's abutting properties to the east and south.

The character of the surrounding area is dominated by Riverside Hospital, with commercial uses located to the south along Central and residential uses located to the north and west. The property to the north is zoned "TF-3" Two Family and is developed with a duplex. The property to the east is zoned "GO" General Office and is developed with a hospital. The property to the south is zoned "GO" General Office and is undeveloped. The properties to the west are zoned "SF-5" Single Family and are developed with single family residences.

CASE HISTORY: The subject property is platted as part of the Sim Park Gardens Addition, which was recorded April 15, 1924.

ADJACENT ZONING AND LAND USE:

NORTH: "TF-3" Duplex
SOUTH: "GO" Undeveloped
EAST: "GO" Hospital
WEST: "SF-5" Single family residences

PUBLIC SERVICES: The subject property has access to St. Paul, a two-lane collector street, and Elm, a local residential street. Since the abutting property to the west also is owned by the applicant, cross-lot access also could be provided to Central, the nearest arterial street, which is located less than a block south of the subject property. All normal municipal services are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Office" development. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites should be located adjacent to arterial streets and indicates that low-density office use can serve as a transitional land use between residential uses and higher intensity uses. The request conforms with the Land Use Guide and the Office Locational Guidelines of the Comprehensive Plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is dominated by Riverside Hospital, with commercial uses located to the south along Central and residential uses located to the north and west. The predominate zoning district in the area is "GO" General Office. The request is consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "TF-3" Two Family and is developed with residential structures. The subject property could remain in residential use; however, the subject property has been acquired by the hospital, which owns a majority of property in the area, and is a logical location for an expansion of the hospital and related uses. The MAPC has an informal policy of supporting expansion of existing businesses at their current location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Office" development. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites should be located adjacent to arterials and indicates that low-density office use can serve as a transitional land use between residential uses and higher intensity uses. The request conforms with the Land Use Guide and the Office Locational Guidelines of the Comprehensive Plan.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

7. **Case No.: ZON2004-53** – FJKF Properties, LLC (Fred Jelic and Kurt Fowler)/Fred Jelic and Kurt Fowler Request Zone change from "SF-5" Single-family Residential to "GC" General Commercial on property described as;

The west 1/4 of lots 1 and 3, Block 3, Parkwilde Addition Generally located South of Central and west of Tracy

BACKGROUND: The applicants operate an auto body repair shop on property zoned GC General Commercial, subject to Protective Overlay 92, located at 4411 west Central Avenue (the southwest corner of Tracy and west Central). The application area (1/2 block west of Tracy, south of Central Avenue) is located just west of the applicants' existing auto body shop. The applicants are seeking to rezone the application area from SF-5 Single-family Residential to GC General Commercial to permit the expansion of their existing body shop. The site has been cleared and the applicants have purchased the site. The site is platted as the west ¼ of Lots 1 and 3, Block 3, Parkwilde Addition.

Protective Overlay 92 contained the following development standards:

- A. Permitted uses are restricted to those uses permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general."
- B. All parking storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
- C. No off-site or portable signs are permitted.
- D. Exterior audio systems shall be prohibited.
- E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting/adjoining properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.

The application area fronts Central Avenue; sides onto land zoned commercial and used commercial; and back up to residentially zoned land used for single-family residential purposes.

CASE HISTORY: The Parkwilde Addition was recorded in 1887.

ADJACENT ZONING AND LAND USE:

NORTH: LC Limited Commercial; vehicle repair, retail sales
SOUTH: SF-5 Single-family Residential; single-family residential
EAST: GC General Commercial; auto body repair
WEST: LC Limited Commercial; retail

PUBLIC SERVICES: All municipal services are available. Central is a four-lane arterial carrying over 21,500 average daily trips. Central Avenue, at this location, initially had 30 feet of half-street right-of-way. In 1998 the City purchased 10 additional feet from this lot in order to complete Central Avenue improvements providing 40 feet of street right-of-way in front of this lot. In 2003 arterial street right-of-way width standards were increased to 50 feet. The adjoining lots to the east and west of the application area have 50 feet of half-street right-of-way. It is recommended that the applicant dedicate 10 feet of right-of-way to bring this lot in conformance with adopted right-of-way standards. The existing body shop has two points of access, one on Central and one on Tracy. Since this proposal is an expansion of the body shop, complete access control should be obtained for the application area.

CONFORMANCE TO PLANS/POLICIES: The MAPC has a policy of supporting the expansion of existing businesses. This site is the only residentially zoned lot in the vicinity; all other nearby lots fronting Central are zoned LC and GC.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the same conditions contained in Protective Overlay 92:

- A. Permitted uses are restricted to those uses permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general".
- B. All parking storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
- C. No off-site or portable signs are permitted.
- D. Exterior audio systems shall be prohibited.
- E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting/adjoining properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.
- F. Ten feet of right-of-way and complete access control along Central shall be dedicated.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All nearby lots fronting Central Avenue are zoned LC Limited Commercial or GC General Commercial, and are developed with commercial uses. Central Avenue is a major east-west arterial carrying over 21,500 average daily trips.

2. The suitability of the subject property for the uses to which it has been restricted: Given the existence of all the other commercial zoning on lots similarly situated as the applicants, development of this site for SF-5 Single-family Residential use is very unlikely
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development standards contained in Protective Overlay 92 mitigate any detrimental affects.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would limit the applicant's opportunity for expansion of his business at this location. Approval would increase the communities repair capacity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The MAPC has a policy of supporting the expansion of existing businesses. This site is the only residentially zoned lot in the vicinity; all other nearby lots fronting Central are zoned LC and GC.
6. Impact of the proposed development on community facilities: The requested dedications will ensure that community facilities are in place and will operate as expected.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **DOWNING** seconded the motion, and it carried (9-0).

❖ **MPO AGENDA ITEMS**

8. Endorsement of Transportation Enhancement applications to KDOT

JAMSHEED MEHTA Planning staff presented report.

Transportation Enhancements is a federal program under ISTEA and TEA-21 legislation that provides funding for pedestrian/ bicycle trails, scenic/ environmental projects, and preservation of historic transportation structures. All tax-levying entities are eligible to apply for up to 80 percent of the cost of an "enhancement" project, provided that the project meets at least one of 12 categories. The Kansas Department of Transportation (KDOT) administers this program in Kansas and approximately \$17 million has been set aside by KDOT for this round of applications. KDOT will review all projects submitted for the TE 2006-07 program, and award the federal share to projects using its selection criteria. Project applications from communities within the Wichita Metropolitan Planning Area must submit their applications through the Wichita-Sedgwick County MPO.

The MAPD has received ten applications from communities within the planning area (location maps attached):

City of Andover: One-mile pedestrian/bicycle pathway along Andover Road connecting two existing pathways at Central Avenue and 13th Street

City of Cheney: (i) One-mile pedestrian/bicycle pathway connecting Cheney's new Community Park to 6th and Main Street.
(ii) Pedestrian/bicycle pathway linking Cheney Middle School and Cherry Oaks Golf Course.

City of Colwich: (i) Environmental mitigation of runoff (drainage detention pond) near N. 167th Street and W. 53rd Streets;
(ii) Pedestrian/bicycle pathway linking to and around the drainage pond.

City of Goddard: Pedestrian/bicycle pathway over a half-mile section of railbanked corridor. (presented through Prairie Travelers, Inc.)

City of Wichita: (i) Preservation of the historic 13th Street (Minisa) Bridge over the Little Arkansas River;
(ii) Half-mile pedestrian/bicycle pathway over the abandoned UP Railroad corridor in the Delano District, from Arkansas River Trail to Seneca Street;
(iii) 2.26-mile pedestrian/bicycle pathway connecting the I-135 Trail (from Grove Park) to the K-96 Trail (in Grove Park);
(iv) 4.95-mile pedestrian/bicycle pathway extending the Arkansas River Trail through Chapin Park, and connecting to the Gypsum Creek (Turnpike) Trail in Planeview Park.

As part of this year's application development process, MAPD provided opportunities for public support and review of projects. In addition to holding a special public meeting on the enhancement program, staff has made presentations before several District Advisory Boards, Wichita Park Board, the GreenWays Alliance, and the Technical Advisory Committee to receive input and support for these projects.

RECOMMENDED ACTION: Endorse the Transportation Enhancement applications as submitted by participating municipalities, and authorize the chairman to sign the Resolution.

BISHOP As I understand the process, we submit these to the State but we don't know how many or which ones will be funded?

MEHTA Correct, they have a two-tier system of screening and ranking these projects. The first one being on the technical grounds, they have written criteria and most of the questions or the application exactly reflects what those questions are that they would like us to answer. Then it enters a higher level of KDOT where we really don't know whether they split the pot between the 5 or 6 KDOT district or how favor these applications.

BISHOP We need to act on this today and that public support for these is very important. Perhaps the Delano N.A. saying that they support the trail and so forth is there a deadline for that kind of support letters?

MEHTA The applications from Wichita will be mailed out approximately November 4th. You have time between now and then to complete the support letters. The KDOT deadline is November 8th.

HERNANDEZ Go back a couple of slides at the listing of dates so the Park Board, GreenWay Alliance, and the DAB's and they all approved this plan?

MEHTA Yes.

HENTZEN The paths that you have shown us, are all of them un-funded at this point?

MEHTA The blue is the application that you are reviewing today and approving for the project to go to KDOT for selection. (shows on map and explains the colors and the projects)

HENTZEN The other applications outside of this one has the funding been established for any of the improvements?

MEHTA All the other lines you see are actual projects, built with concrete or asphalt, or are under design and will be built very soon.

BISHOP Who provide the match?

MEHTA You are endorsing the application. Individual city and jurisdictions have to come up with a resolution that says if KDOT approves this, that yes we have the local match.

HENTZEN Suppose we approved all of them, do you think they will approve all of them or will it take more years?

MEHTA There is \$17 million dollars available to the State to spread out to all applications Statewide. I don't think every project will be approved because they are all competing.

MOTION: To Endorse the Transportation Enhancement applications as submitted by participating municipalities, and authorize the chairman to sign the Resolution.

DOWNING moved, **BISHOP** seconded the motion, and it carried (10-0).

❖ **PUBLIC HEARING – MPO ITEMS**

9. Amendment to the Transportation Improvement Program (TIP), presentation by Jamsheed Mehta.

JAMSHEED MEHTA Planning staff presented report.

MEHTA This is a public hearing, Following my report, you may have people in the audience who may want to speak about this TIP amendment. We did advertise this meeting as a public hearing.

The TIP is a listing of all regionally significant transportation projects - including federally funded projects - within the Wichita metropolitan planning area. The Wichita-Sedgwick County MPO has the responsibility for programming all federally funded projects within the metropolitan planning area.

Three categories of federal funds are available to the MPO for programming: 1) Surface Transportation Program (STP); 2) Congestion Mitigation & Air Quality (CMAQ); and 3) Bridge rehab or replace (BR) funds

The Current TIP (See Attachment 1) is fiscally constrained, and includes 75 projects funded using these federal programs. The MAPD has received additional project requests (See Attachments 2 and 3) for 11 new street/bridge improvement projects, four new transit projects, and three requests for increase in federal funds. If all projects are included in the TIP as requested by the sponsoring cities, then the TIP will be significantly over-programmed in the latter three years of the TIP, as demonstrated to the MPO on October 7, 2004.

The MAPD and the Technical Advisory Committee (TAC) has applied a Project Selection Criteria (PSC) to all capacity-enhancing street projects to prioritize improvements based on volume/capacity, safety, pavement condition, and cost measures. The TAC reviewed all project requests and provided recommendations as shown on Attachment 3. In addition to three new street-widening projects, the TAC recommendations include two project cancellations, accelerating the construction year on one project, four new transit programs for three years, additional federal finding for two existing projects, and consolidating two widening projects.

The TAC recommendations provide for a fiscally constrained list of projects using federal funds available to the MPO (See Attachment 4).

Recommendation: Hold a public hearing and amend the Transportation Improvement Program (TIP) 2004-2008.

HERNANDEZ These projects, how do you determine where to put the money at? Does your staff or Bel Aire, they go out and look at the situations and say we need to do this?

MEHTA The first question has to do with the category of funding.

HERNANDEZ If there is a bridge.

MEHTA Bridge will go in bridge but STP is a catch-all category.

HERNANDEZ What happens if you are driving over the bridge and you see something and we need to fix that, you report it and you send out the experts and they decide they need to fix it?

MEHTA For example if it is a bridge and it is a maintenance or a re-hab project it will not show up in your long-range plan, that is something that came up by an inspection. Most communities have bridge inspections done by certified engineers and they would report to the local unit of government they put it in the CIP and now it is official, something that the local government is recognizing is a need. We solicit project on behalf of MPO at least once every two years, that is where they officially submit applications with all the reasoning to go with it. So if there is a bridge project, and we find out what the bridge rating is, depending on how bad the rating is, we can then decide whether it is a re-hab or a replace and then push it through the TAC and then eventually to MPO.

HERNANDEZ In 2003 the \$2 1/2 million for the Broadway bridge or the Burlington Northern, where is that located I can't find that bridge.

MEHTA Look here at 45th and Broadway, you'd have to imagine the railroad line and this is where the bridge is going to be.

HERNANDEZ Could a ordinary citizen look at a situation and say we need a bridge or a road could they make that suggestion or that recommendation?

MEHTA It would have to come through you and through your long-range transportation plan.

HERNANDEZ Yesterday I was at 21st and Mosley, the trains were going back and forth, back and forth, over 15 minutes, carbon monoxide build up I am sure with cars parked there. National-By-Product stink, then I call 911 because I think they are not to be impeding traffic for longer than 10 minutes but they are. I was told there is nothing they can do about it. If someone has a heart attack or some emergency situation we are talking a lifesaving issue here. Probably just a bunch of Mexicans use this road you don't care about this stretch of road because I have continually called on this problem. They are trying to revitalize 21st who want to drive in that area if you can't get through there?

MEHTA The solution that was offered as part of the previous long-range plan update the one that is current right now, included the elevated section of 21st Street over all of those railroad tracks, also widening of 21st Street from Broadway west to some point I think Hood or Arkansas. There were design details that had not been identified so when the recommendations from the new 21st Street study come to this body then it is for you to see if in fact there is federal funding that you can identify for a particular project.

DUNLAP I use that road and I have sat there blocked by 2 sets of trains and couldn't go anywhere and I don't know as Chairman of the MAPC I don't know how I report a problem like that.

BISHOP It is a train yard.

DUNLAP How does a citizen make an input to effect this plan?

MEHTA I have answered that question and I am not sure how it gets received at the other end but there is a phone number which if the gate is down for too long that says call this number. I have never tried it so I don't know who is picking it up.

HERNANDEZ I have called that number and they aren't very receptive at the other end.

SCHLEGEL There are a variety of mechanisms that citizens would have at their disposal. A citizen is not going to turn in a project for consideration in the TIP what they are going to do is go to their City Council Member, the City Manager, Public Works Director, etc and say here is a problem that we are encountering can you come up with a solution. Many times if that solution happens to be a transportation improvement project and that becomes a priority for the city then that city submits a project for consideration in the TIP. Like in the case that you are talking about that problem is being addressed in the 21st Street Revitalization Plan and presuming that plan gets adopted with that project in it which in my opinion is very likely at this point. Then we will incorporate that as a project into the City CIP and it will become a project by the City for consideration in a future TIP.

BISHOP I would like to ask about the ranking process. Is this the exact same material that was presented to us on Oct. 7th I am curious how these were ranked. Because the one that is ranked number one at Greenwich, 13th Street to K-96I would not have ranked number one for transportation improvement. An improvement is something that addresses a problem.

MEHTA In the draft project selection criteria, we applied the criteria to those projects involving widening or adding capacity. There were some others where repaving an existing surface was also an application but that would not fall in this scheme of ranking, it would stand on its own.

BISHOP [I'm talking what's listed under new.

MEHTA Congestion was identified as the existing V over C ratio and what would be the future congestion, and if you make the improvement how much would you reduce the V over C ratio back to something that is less than what it is today. There are roughly 50 points identified in this section here for traffic related parameters. There is also 10 points for safety provided you can address the concern with the designed improvement. Same with pavement conditions is 10 points. Then cost effectiveness and proportion of local match, so you as MPO can fund more projects instead of funding a few.

MITCHELL It might help if you tell her what professionals made that decision that the project should be ranked #1.

BISHOP I understand the point that he is making is that professionals made that decision based on decisions that we have made at this table, I don't agree with some of those decisions is what I am saying.

MEHTA This is not something that you have approved. A project selection criterion has yet to be approved by you and then it will be done formally. This is grabbing our draft version. Some other criteria we might add, but was not used, is economic development. In terms of will a particular project be within a mile or two where new jobs could be coming to it and in fact this project would facilitate that.

BISHOP So that is a process in development in terms of ranking.

MEHTA What we used here is everything that we could get out of a typical project application request from all of the cities.

BARFIELD This 21st Street situation is very confusing to me. It is difficult for me to understand why this portion should not have been addressed in the first plan of overpass and underpass, 21st Street has more tracks crossing it than any other street in the city. It also has a lot of vehicular traffic, it was an oversight in my estimation or somebody dropped the ball. Most of those rail lines are the closest to their yards at 21st Street and there is more switching at 21st Street so it didn't make any sense not to include 21st Street in your original plan.

CHUCK MAY, 8615 W. Frazier Ste 2, Wichita, KS 67215 Here on behalf of the City of Bel Aire as their City Engineer Bel Aire had submitted some projects for inclusion in the TIP and they did not rank high enough to be included. What I wanted to focus on today is a little more on the overall process. Bel Aire is growing rapidly, in the past 4 years they have annexed over 2,400 acres of land that is set aside for residential, commercial and industrial development. One of the implications of this growth is the additional demands placed upon the City's existing transportation system, which today is mainly a network of rural county and township roads.

Bel Aire has approximately 44.25 miles of streets within the boundaries of the City. The following top three road projects were placed in priority order as approved by the Bel Aire governing body and incorporated into Bel Aire's Long-Range Transportation Plan #1 45th Street North (Oliver to Woodlawn) #2 53rd Street North (Oliver to Webb Road), #3 Woodlawn (53rd St. North - Union Pacific RR) these three were submitted originally in the new application process.

The City of Bel Aire has been working with Bill Yung of Yung Designs on a Land Use /Concept Plan. Bel Aire is also working on a marketing plan to sell the property with Steve Martens, of Grubb/Ellis Company. Utilities have been identified and engineered. Water and sewer is available through the City's own system.

The City of Bel Aire does not believe it is the MPO's initiative to dictate what roadway improvements should be made within Bel Aire or any other small community with the urbanized metropolitan area. The City of Bel Aire does not argue the validity of the "capacity enhancement" criteria, but we do argue that using only this criteria severely restricts or limits the types of projects eligible for funding under the federal program, in turn reducing the chance for smaller community to receive funding. Additional criteria should be developed for other roadway needs – being resurfacing rehabilitation and reconstruction.

It is the MPO's charge to try and work with the small communities to arrive at a plan that addresses the needs of small communities as well as the needs of the Metropolitan area.

Bel Aire is requesting that you table all recommended TIP changes pending new criteria, review and adoption including public input. Criteria to include a balance of road projects associated with the needs of a community and the metropolitan area. Reorganization of the TAC membership to represent all of the cities within the urban planning area prior to approval of new criteria and new projects. Lastly, do not remove Woodlawn from 37th to 45th from the TIP – move it to 2008. A workshop with MPO staff to discuss the Bel Aire's Long Range Transportation Plan versus the Wichita/Sedgwick Co. Metropolitan Long Range Transportation Plan.

BARFIELD How long have you been the City Engineer for Bel Aire?

MAY Since 2001, I am employed with Schabb/Eton, we are a consulting firm and we are under contract as City Engineer.

BARFIELD I read here that you place more emphasis on 45th Street I remember here about 3 years ago when we approved this 45th Street project the City of Wichita was arguing for us not to do that until we could utilize 37th Street. Your City Manager and the City Attorney came here and suggested to us that the most important traffic congested spot in the City of Bel Aire was Woodlawn from 37th to 45th Street. Now you come before us today and say they were wrong?

MAY At the time that was requested I was not involved with the City of Bel Aire but I am familiar with some of that process. At the time that was requested I believed the City truly believed that Woodlawn was the key street that needed improvement. Within that last four years they have been able to expand their boundaries and are in this growth mode and that process has caused a change in the priorities of improvements in Bel Aire.

BARFIELD I believe they further concluded that the traffic on that street far exceeded what is normal for a two-lane street. When you talk about the growth of Bel Aire, one would have to believe that there is additional growth in vehicular traffic on that stretch of Woodlawn would that not be correct?

MAY One would anticipate additional growth on Woodlawn. That is correct.

DUNLAP Is the City of Bel Aire's Comprehensive Plan current and on file here with the Planning Department?

MAY Yes, is my understanding.

DUNLAP What are you considering your main north/south roadway is it Woodlawn or Rock Road?

MAY Our main north/south roadway would be Oliver to Rock Road.

DUNLAP If I am coming to 37th and Woodlawn from El Dorado how would like me to get there?

MAY Down Rock Road.

DUNLAP So, it is not Woodlawn anymore. Have you had any discussions with the county on the 254 -Corridor Development Plan?

MAY I have not been involved in those discussions.

DUNLAP The request to change the status you heard Jamsheed say that it was changeable due to the amount of matching funds, on some of these request that you have are you preparing to increase the amount of matching funds to move them up on the status?

MAY That has not been a discussion that I have been involved with. Bel Aire City Council will have to decide.

BARBARA KROSE, 7651 Central Park Ave, Wichita, KS 67208 Our City Administrator was not able to make it today.

DUNLAP When you talk about the discussions of the 254 Development Corridor with the county it was my impression that the county was wanting to use Woodlawn as the primary north/south road basically because they have already built a nice interchange and there is not interchange or turn lanes at Rock Road. So where are they planning to put their major interchanges?

KROSE The group that is meeting on the 254 Development Plan, Irene Hart from the county meets at Bel Aire once a month and we have not got into any road plans so there has not been any discussion which would be the interchange off. You asked another question about is the City of Bel Aire prepared to do a higher percentages. Nobody has every responded to us and asked us if we would do a higher percentage. The 45th Street project was not one that we asked and came in a few years ago and changed to Woodlawn, that was 37th Street. We have put 45th Street as the top one because the road base is falling apart and the cost of patching it is becoming very expensive for the City.

DIANE BROOKS, City Clerk for Colwich I want to thank the MPO and thank staff for taking our projects into account and approving us to be able to move up into the 2006 year of the program. I can sympathize with the City of Bel Aire in some of the issues that they feel that their facing with some of their projects, but the City of Colwich standpoint our project is a two-lane street and I feel that when we submitted that we submitted it under the current application criteria and standards and I feel the staff has been very supportive of that. The staff has been extremely helpful and the education that they have provided to us. I would encourage that as part of the selection criteria that land use be part of that process.

DUNLAP Something that is happening is that the MPO is going to change in make-up and the MAPC will not be the only members of the MPO. There are 18 other cities and they will have input.

JEFF BRIDGES, City of Andover Administrator As a new member to this group we have appreciated your support for our projects and the staff here has been good to work for. I am here to support the TIP Amendment.

MEHTA You have a request from the City of Bel Aire to not remove Woodlawn Road from 37th Street to 45th Street, as it is in the current TIP, but shift it from year 2007 to 2008.

DUNLAP Would that be staff recommendation to comply with that request?

METHA It has already been in the TIP for this long and it has had staff report up until this time. The only thing I would draw your attention to would be the fact that when I provided you the last spreadsheet and you look at the bottom line, this might overspend even more. The City of Bel Aire is requesting you to consider 3 lane of the Woodlawn Road and not the 4-5 that you approved since year 2000. Also for the future, to consider 45th Street as a 3 lane and not a 4-5 lane as you have in your long-range plan. The long range plan will be completed and updated the middle of next year, by shelving this particular project into 2008 I would suggest for your safety you would want to add that this is still the 4-5 lane project as you have in your long range plan today. If your long-range plan changes and recognizes it to be a 3-lane road then you went with what Bel Aire is requesting here to do. If you keep it at a 4-5 lane in the next long range plan update, then Bel Aire has to make a determination. A) Comply with the 4-5 lane, or B) do the 3-lane 100% General Fund the City of Bel Aire and not use these federal funds.

BISHOP Isn't it possible for us to change the long-range transportation plan?

TAPE CHANGE

MEHTA I would say the middle of next year you will have a long-range plan update.

BISHOP It is possible that we could concur with Bel Aire's request and move it to 2008 and in the meantime work on the configuration of it within the changes that will be made in the long-range plan, is that possible?

MEHTA That is exactly what I would suggest.

MOTION: Concur with Bel Aire's request and move it to 2008 and in the meantime work on the configuration of it within the changes that will be made in the long-range plan.

BISHOP moved,

SCHLEGEL That was excepting the TAC recommendation with that amendment?

BISHOP You mean the entire TAC recommendation? No.

MOTION dies lack of 2nd.

MOTION: To approve the recommendation of the TAC Committee.

MITCHELL moved, **BARFIELD** seconded.

DUNLAP In what year Commissioner Mitchell you want to leave it where it is?

MITCHELL Yes.

SCHLEGEL Wait a minute we need to talk about the financial implications of leaving it in the year that it is in now.

MEHTA Which is 2007.

SCHLEGEL Because that probably will create a TIP that is not fiscally constrained and what Bel Aire was asking was to move it from 2007 to 2008 and we have a better chance of the TIP being found to be fiscally constrained if it is in 2008.

MEHTA The final attachment you have is what the TAC recommended and that is where you got the \$8 million deficit in 2008, it is an accumulative of all the years up to 2008 and in that attachment Bel Aire's Woodlawn 37th to 45th Street is not included. The TAC recommends taking that project out so your motion needs to suggest to approve the TAC recommendations and keeping the City of Bel Aires Woodlawn project in. Then if you do that in 2008 your deficit is going to grow from \$8 million to \$10.71 million.

DUNLAP Which is a greater risk.

MEHTA Yes, I think you are boarding on a point that you don't know which of these projects are really going to slide, Our best guess for you was \$2 million a year and if that doesn't happen some of these projects will have to slide. How much do you want to load onto 2007 and 2008 and very soon we will be launching a 2009 and nipping into those funds.

DUNLAP At this point the motion does not include the Woodlawn project.

MITCHELL Correct.

DUNLAP The second understands?

BARFIELD No, I was going seconding that it would include the Woodlawn project. **I withdraw my second.**

MOTION: To approve the recommendation of the TAC Committee.

MITCHELL moved, **JOHNSON** seconded

BISHOP I cannot support the motion because we are not allowed to cherry pick these. If I had my way I would concur with Bel Aire's request on Woodlawn and I would remove the Greenwich 13th Street because that is the most recent addition to this. I think not only is that \$2 million in federal funds but it looks like there is \$5 million in the local match or the total cost and I object to that within the CIP because of the discussion that we have had about road separations for railroads and I would like to see something happen with regards to the railroad separations at Pawnee and at Harry which have bounced around the CIP for some time now. I have been here when we have approved those zoning changes and developments at 21st Street and Greenwich Road and the discussion is when can we get those road improvement done and I think that is backwards. I think we need to look at the Land Use implications on transportation before we make those decisions.

JOHNSON Jamsheed, how long have you been an employee with the MAPD?

MEHTA Over seven years.

JOHNSON Prior to that how much TIP money did the City and County receive from the small cities? Virtually nothing, right?

MEHTA They had different ways of distributing the pot, some small cities waited it out.

JOHNSON Most of them are northeast of here.

MEHTA Haysville was there once and I remember Park City was another.

JOHNSON That was probably one of the very first. Jamsheed has done a number of these proposals and he understands the system and that is why I am recommending this. The gentlemen from Bel Aire since he has met with Jamsheed will have a number of meetings with him before we do this the next time. We are not saying that is not an important project but the last thing we want to do is make this thing something that will not fly and we don't get anything because not all of these will be funded anyway.

BISHOP These aren't competitive are they?

MEHTA Yes, they are competing for a limited amount of funds if that is the question. This is not going to KDOT for their approval, this is the MPO saying that Bel Aire's Woodlawn \$2 million, Wichita's Greenwich Road \$2 million you are making that decision final today. You are not accepting a bunch of other projects and that is also in your attachment.

BARFIELD What Commission Bishop is saying we should place more emphasis on the Woodlawn project than the Greenwich Road project so can we not remove the Greenwich Road project out of this?

MEHTA Yes.

BARFIELD Would that enhance the opportunity for this Woodlawn project to be funded.

BISHOP We would certainly reduce the red ink at the end of our projected time here.

MEHTA You can deviate from technical rankings at any point and time, but from staff and TAC perspective this is the best way that we can tell you that this project is either 1st, 2nd, and 3rd and you may have other reasons to suggest that TAC's first is not your first, if that is the majority voting on it. Woodlawn is in the TIP but not as a part of the TAC recommendations, and that has to do with the fact that when the City of Bel Aire requested 45th Street and some of the other streets, they thought that they could swap or exchange the federal funds to the other project assuming they were given the 45th Street, and then they could safely drop Woodlawn. Well, the application reads 45th Street is in lieu of Woodlawn, so staff removed it from any rankings. TAC held its meeting and 45th Street didn't make it, and now Bel Aire is saying if 45th Street didn't make it we never really intended it to be out of the TIP. So you are getting information after the TAC made that recommendation and that is additional information to you. Bel Aire does not want you to take out Woodlawn Road.

MITCHELL moved, JOHNSON seconded, and it carried 9-2.
(BISHOP and BARFIELD opposed)

❖ **PLANNING COMMISSION ITEMS**

10. Other matters/adjournment.

SCHLEGEL The City of Wichita has adopted a two year CIP 2004-2005, and what we are doing is seeing if there are any revisions that need to be made to the CIP, and they are handing out a survey for you to fill out to give you an opportunity to have input on that. The next major update to the CIP for the City of Wichita will be 2006-2007, so this is just a minor revision for next year. This is an opportunity that if you have projects that you think should be included fill it out and give it to staff and we will forward the information on.

The Metropolitan Area Planning Department informally adjourned at 4:15 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2004.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)